

IN THE HIGH COURT OF JUDICATURE AT PATNA

First Appeal No.339 of 1987

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Baleshwar Mahto @ Baleshwar Prasad & Ors.	Claimant-Appellant/s
State of Bihar	Versus Opposite Party- Respondent/s
	<u>with</u>		

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First Appeal No. 406 of 1987

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Bilash Mahto @ Rambilash Prasad @ Rambilash Prasad Murti & Ors.	Claimant-Appellant/s
State of Bihar	Versus Opposite Party- Respondent/s
	<u>with</u>		

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First Appeal No. 456 of 1987

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Pramod Kumar & Ors.	Claimant-Appellant/s
State of Bihar	Versus Opposite Party- Respondent/s
	<u>with</u>		

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First Appeal No. 440 of 1987

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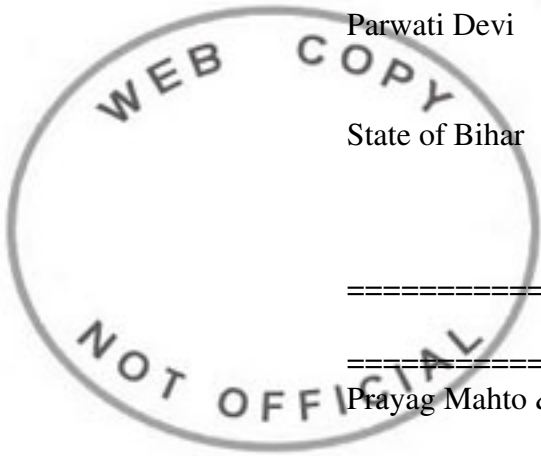
Bal Bhushan Prasad	Claimant-Appellant/s
State of Bihar	Versus Opposite Party- Respondent/s
	<u>with</u>		

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First Appeal No. 442 of 1987

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Raj Kumar & Ors.	Claimant-Appellant/s
State of Bihar	Versus Opposite Party- Respondent/s
	<u>with</u>		



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First Appeal No. 446 of 1987

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Parwati Devi
State of Bihar

Versus

.... Claimant-Appellant/s

.... Opposite Party- Respondent/s

with

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First Appeal No. 454 of 1987

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Prayag Mahto & ors
State of Bihar

Versus

.... Claimant-Appellant/s

.... Opposite Party- Respondent/s

with

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First Appeal No. 455 of 1987

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Prasadi Mahto
State of Bihar

Versus

.... Claimant-Appellant/s

.... Opposite Party- Respondent/s

with

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First Appeal No. 408 of 1987

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Most. Sharmila Devi & Ors
State of Bihar

Versus

.... Claimant- Appellant/s

.... Opposite Party- Respondent/s

with

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First Appeal No. 413 of 1987

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Brahmdeo Mahto
State of Bihar

Versus

.... Claimant-Appellant/s

.... Opposite Party- Respondent/s

with

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First Appeal No. 415 of 1987

=====

Most. Sharmila Devi & Ors.

.... Claimant-Appellant/s

Versus

State of Bihar

.... Opposite Party- Respondent/s

with

First Appeal No. 418 of 1987

Surendra Kumar & Ors.

.... Claimant-Appellant/s

Versus

State of Bihar

.... Opposite Party- Respondent/s

with

First Appeal No. 420 of 1987

Smt.Maro Devi

.... Claimant-Appellant/s

Versus

State of Bihar

.... Opposite Party- Respondent/s

with

First Appeal No. 424 of 1987

Most. Sharmila Devi & Ors

.... Claimant-Appellant/s

Versus

State of Bihar

.... Opposite Party- Respondent/s

with

First Appeal No. 430 of 1987

Ram Briksh Mahto

.... Claimant-Appellant/s

Versus

State of Bihar

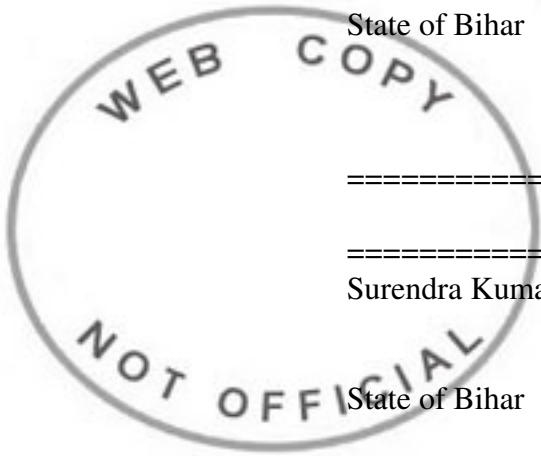
.... Opposite Party- Respondent/s

with

First Appeal No. 431 of 1987

Doman Mahto

.... Claimant-Appellant/s



Versus

State of Bihar

..... Opposite Party- Respondent/s

**Against the Judgment and Award dated 25.03.1987 passed by
Special Land Acquisition Judge, Nalanda at Biharsharif in L.A.
Case No.1 of 1987 to 93 of 1987.**

Appearance :

(In FA No. 339 of 1987)

For the Appellant/s :

Mr. BIDYA SAGAR

Mr. Samir Kumar Ranjan

Mr. B.N.SINGH (AAG.1)

For the Respondent/s :

(In FA No. 406 of 1987)

For the Appellant/s :

Mr. DEONATH PD.

For the Respondent/s :

Mr. B.N.SINGH (AAG.1)

Mr. H.S.Roy (Jc To Ag.1)

(In FA No. 456 of 1987)

For the Appellant/s :

Mr. DEONATH PRASAD

Mr. Vidya Sagar

Mr. Samir Kumar Ranjan

For the Respondent/s :

Mr. B.N.SINGH (AAG.1)

Mr. H.S.Roy (Jc To Ag.1)

Mr. Narmadeshwar Jha

(In FA No. 440 of 1987)

For the Appellant/s :

Mr. DEONATH PRASAD

For the Respondent/s :

Mr. B.N.SINGH (AAG.1)

Mr. H.S.Roy (Jc To Ag.1)

(In FA No. 442 of 1987)

For the Appellant/s :

Mr. DEONATH PRASAD

For the Respondent/s :

(In FA No. 446 of 1987)

For the Appellant/s :

Mr. DEONATH PRASAD

Mr. Vidya Sagar

Mr. Vidya Sagar

For the Respondent/s :

Mr. B.N.SINGH (AAG1)

(In FA No. 454 of 1987)

For the Appellant/s :

Mr. DEONATH PD.

For the Respondent/s :

Mr. B.N.SINGH (AAG.1)

Mr. H.S.Roy)Jc To Ag.1)

(In FA No. 455 of 1987)

For the Appellant/s :

Mr. DEONATH PD.

For the Respondent/s :

Mr. B.N.SINGH (AAG.1)

Mr. H.S.Roy (Jc To Ag.1)

(In FA No. 408 of 1987)

For the Appellant/s :

Mr. DEONATH PD.

Mr. Vidya Sagar

For the Respondent/s :

Mr. B.N.SINGH (AAG.1)

Mr. H.S.Roy (Jc To Ag.1)

(In FA No. 413 of 1987)

For the Appellant/s : Mr. DEONATH PD.
For the Respondent/s : Mr. B.N.SINGH (AAG.1)
Mr. H.S.Roy (Jc To Ag.1)

(In FA No. 415 of 1987)

For the Appellant/s : Mr. DEONATH PD.
Mr. Vidya Sagar
For the Respondent/s : Mr. B.N.SINGH (AAG.1)
Mr. H.S.Roy (Jc To Ag.1)

(In FA No. 418 of 1987)

For the Appellant/s : Mr. DEONATH PD.
Mr. Vidya Sagar
For the Respondent/s : Mr. B.N.SINGH (AAG.1)

(In FA No. 420 of 1987)

For the Appellant/s : Mr. DEONATH PD.
For the Respondent/s : Mr. B.N.SINGH (AAG.1)

(In FA No. 424 of 1987)

For the Appellant/s : Mr. DEONATH PD.
Mr. Vidya Sagar
For the Respondent/s : Mr. B.N.SINGH (AAG.1)
Mr. H.S.Roy (Jc To Ag.1)

(In FA No. 430 of 1987)

For the Appellant/s : Mr. DEONATH PD.
Mr. Vidya Sagar
For the Respondent/s : Mr. B.N.SINGH (AAG.1)
Mr. H.S.Roy (Jc To Ag.1)

(In FA No. 431 of 1987)

For the Appellant/s : Mr. DEONATH PD.
Mr. Vidya Sagar
For the Respondent/s : Mr. B.N.SINGH (AAG.1)
Mr. H.S.Roy (Jc To Ag.1)

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Dated :4th day of August, 2014

P R E S E N T

CORAM : THE HON'BLE MR. JUSTICE MUNGESHWAR SAHOO


ORAL J U D G M E N T

1. All the claimants of these sixteen First Appeals have filed these First Appeals against the Judgment and Award dated 25.03.1987 passed by the then learned Special Land Acquisition Judge, Nalanda

at Bihar Sharif in 93 Land Acquisition Case being L.A. No.1 of 1987 to 93 of 1987.

2. It appears that 29 and odds acres of different lands of different owners was acquired by the State of Bihar for the purpose of construction of super grid sub station. The Collector made Award in the name of the different persons whose lands were acquired. Being dissatisfied with the Award of the Collector, the land holders filed 93 Land Acquisitions cases which were disposed of by the Land Acquisition Judge.

3. The appellants including other appellants filed 63 First Appeals before the High Court. Out of the 63 First Appeals, 24 First Appeals were disposed of by Lok Adalat held on 21.10.2008 and 27.03.2009 whereby the State of Bihar agreed to pay Rs. 2 lakhs per acre to the claimants. Thereafter, 14 cases were heard by this Court and on 19th January, 2012 dismissed by the Judgment. Against the said Judgment dated 19.01.2012 passed in First Appeal No.399/87, 398/87, 409/1987, 426/87, 427/87, 428/87, etc. the claimants filed civil appeal Nos.7401 of 2013 arising out of S.L.P. (C) No.14521 of 2012 and Civil Appeal Nos.7402 of 2013 to 7412 of 2013 before the Hon'ble Supreme Court. The Supreme Court by terms of Judgment dated 02.09.2013 held as follows :-



“It is not in dispute that in the Lok Adalat held in October, 2008 and March, 2009 the State Government agreed to pay compensation to the land owners @ Rs.2 lakhs per acre. Therefore, there is no justification to deny similar benefit to the appellants whose lands were integral part of the acquisition made for construction of super grid sub station.”

4. Accordingly, the Supreme Court allowed all the Civil Appeals declaring that the appellants are entitled to compensation @ Rs.2 lakhs per acre with all statutory benefits. The State of Bihar was directed to pay the enhanced amount of compensation and statutory benefits including interest and solatium to the appellants within a period of three months by getting prepared demand drafts in their names from a nationalized bank.

5. In view of the above facts that almost all the claimants / land holders have been granted benefit by the Lok Adalat or by the Supreme Court, the matter is now covered and, therefore, all these First Appeals are hereby allowed. The impugned Judgment and Award with respect to the appellants is modified and it is declared that all the appellants of these 16 First Appeals are entitled for the compensation @ Rs.2 lakhs per acre with all statutory benefits.

6. The learned counsel for the appellant submitted that the bank drafts be prepared in the name of appellant No.1 in each of the case except First Appeal No.456 of 1987 in which case the bank draft be prepared in the name of Shravan Kumar appellant No.1 (C) as the other appellants are residing outside. In view of the submissions above, the State of Bihar respondent is directed to pay the enhanced amount of compensation and statutory benefits including interest and solatium to the appellants within a period of three months by getting prepared demand draft in the names indicated above from nationalized bank.

7. **In the result, all these First Appeals are allowed.**

(Mungeshwar Sahoo, J)

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